A

Treaty Marine

Between

The Most Serene and Mighty PRINCE

CHARLES II.

By the Grace of God,

King of *England*, *Scotland*, *France* & *Ireland*,

Defender of the Faith, &c.

And the Most Serene and Mighty PRINCE

LEWIS XIV.

The Most

Christian King.

Concluded at St. *Germains in Laye*, the Twenty fourth day of *February* $167\frac{6}{7}$.

Published by His Majesties Command.

LONDON,

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Artic. I.

THat it ſhall and may be Lawful, for all and every the Subjects of the Moſt Serene and Mighty Prince the King of *Great Britain* aforeſaid, with all Freedom and Safety to Sail, Trade, and Exerciſe any manner of Traffique in all thoſe Kingdoms, Countreys, and Eſtates, which are, or at any time hereafter ſhall be in Peace, Amity, or Neutrality with His ſaid Majeſty: So that they ſhall not be any ways hindred or moleſted in their Navigation or Trade by the Military Forces, nor by the Ships of War, or any other kind of Veſſels whatſoever, belonging either to the Moſt Chriſtian King, or to his Subjects, upon occaſion or pretence of any Hoſtility or Difference which now is, or

ſhall hereafter happen between the ſaid Moſt Chriſtian King, and any Princes or People whatſoever, in Peace, Amity, or Neutrality with the ſaid King of *Great Britain*. And likewiſe, that it ſhall and may be Lawful for all and every the Subjects of the ſaid Moſt Chriſtian King, with all Freedom and Safety to Sail, Trade, and Exerciſe any manner of Traffique in all thoſe Kingdoms, Countreys, and Eſtates, which are, or at any time hereafter ſhall be in Peace, Amity, or Neutrality with the aforeſaid Moſt Chriſtian King: So that they ſhall not be any ways hindred or moleſted in their Navigation or Trade, by the Military Forces, nor by the Ships of War, or any other kind of Veſſels whatſoever, belorging either to the King of *Great Britain* above mentioned, or to his Subjects, upon occaſion or pretence of any Hoſtility or Difference which now is, or ſhall hereafter happen between His ſaid Majeſty and any Princes or People whatſoever, in Peace, Amity, or Neutrality with the ſaid Moſt Chriſtian King.

II.

Nor ſhall this Freedom of Navigation and

and Commerce be Infringed by occaſion or cauſe of any War, in any kind of Merchandizes, but ſhall extend to all Commodities which ſhall be carried in time of Peace; thoſe onely excepted which follow in the next Article, and are comprehended under the name of *Contraband*.

III.

Under this name of *Contraband*, or prohibited Merchandizes, ſhall be comprehended onely Arms, Pieces of Ordnance, with all Implements belonging to them, Fire-balls, Powder, Match, Bullets, Pikes, Swords, Lances, Spears, Halberds, Guns, Mortar-pieces, Petards, Granadoes, Muſquet-reſts, Bandeliers, Salt-petre, Muſquets, Muſquet-ſhot, Helmets, Corſlets, Breaſt-plates, Coats of Mail, and the like kind of Armature, Soldiers, Horſes, and all things neceſſary for the Furniture of Horſes, Holſters, Belts, and all other Warlike Inſtruments whatſoever.

IV.

Theſe Merchandizes following ſhall not be reckoned among prohibited Goods, (*viz.*) all kind of Cloth, and all other Manufactures woven of any kind of Wooll,

Flax,

Flax, Silk, Cotton, or any other Material; all ſorts of Clothing and Veſtments, together with the Materials whereof they uſe to be made; Gold and Silver, as well Coyned as not Coyned, Tin, Iron, Lead, Copper, and Coles, as alſo Wheat and Barley, and all other kind of Corn or Pulſe, Tobacco, and all kind of Spices, ſalted and ſmoked Fleſh, ſalted and dried Fiſh, Cheeſe and Butter, Beer, Oyls, Wines, Sugars, and all ſort of Salt, and in general all Proviſion which ſerves for the nouriſhment and ſuſtenance of Life; likewiſe all kind of Cotton, Hemp, Flax and Pitch, Ropes, Sails and Anchors, alſo Maſts and Planks, Boards and Beams, of what ſort of Wood ſoever, and all other Materials requiſite for the building or repairing Ships, but they ſhall be wholly reputed amongſt Free Goods, even as all other Wares and Commodities which are not comprehended in the next precedent Article; ſo that the ſame may be freely Tranſported and carried by the Subjects of the Moſt Serene King of *Great Britain*, not onely from one Neutral place, to another Neutral place; or from a Neutral Port or place, to a place in

Hoſtility

Hoſtility with the Moſt Chriſtian King, or from a place in Hoſtility with him to a Neutral place; but alſo from one place in Enmity with the Moſt Chriſtian King, to another Port or place in Enmity with him; Be it that ſuch Ports or places do belong to the ſame Prince or State, or to ſeveral Princes or States with whom the Moſt Chriſtian King ſhall happen to be in War: And in like manner, that the ſame may be freely Tranſported by the Subjects of the Moſt Chriſtian King, not onely from one Neutral place, to another Neutral place, or from a Neutral Port or place, to a place in Hoſtility with the King of *Great Britain*, or from a place in Hoſtility with him, to a Neutral place; But alſo from one place in Enmity with the King of *Great Britain*, to another Port or place in Enmity with him; Be it that ſuch Ports or places do belong to the ſame Prince or State, or to ſeveral Princes or States, with whom the King of *Great Britain* ſhall happen to be in War, except onely Towns or places beſieged, environed, or inveſted, in French *Blocquees ou Inveſties*.

V.

V.

And that all manner of Differences and Contentions on both ſides, by Sea and Land, may from henceforth ceaſe and be utterly extinguiſhed; It is agreed, that all kind of Ships and Veſſels whatſoever, belonging to the Subjects of His ſaid Majeſty of *Great Britain*, entring or being entred into any Road or Port under the Obedience of the Moſt Chriſtian King, and purpoſing to paſs from thence, ſhall be onely obliged to ſhew unto the Officers acting in the Ports of the ſaid Moſt Chriſtian King, or to the Captains of the Moſt Chriſtian Kings Ships, or of private men of War (if any happen there to be) their Paſs-port, commonly called a Sea-Brief, (the Form whereof is added at the end of theſe Articles;) nor ſhall any Money, or any thing elſe be exacted from them under that pretence: But if any Ship belonging to the Subjects of His Majeſty of *Great Britain* ſhall in the open Sea or elſewhere out of the Dominions of the ſaid Moſt Chriſtian King, meet the Ships of War of the ſaid Moſt Chriſtian King, or private men of War of his Subjects, the ſaid Ships of the Moſt Chriſtian

Chriſtian King ſhall keep at a convenient diſtance, and onely ſend out their Boat, and it ſhall be Lawful for them onely with Two or Three men to go on Board the Ships and Veſſels of the Subjects of His Majeſty of *Great Britain*, that the Paſs-port (or Sea-Brief) of the Propriety thereof, (according to the Form hereafter ſpecified) may be ſhewn to them by the Captain or Maſter of ſuch Ship or Veſſel belonging to the Subjects of His Majeſty of *Great Britain*: And the Ship which ſhall ſhew the ſame ſhall freely paſs; and it ſhall not be Lawful to moleſt, ſearch, detain or divert the ſame from her intended Voyage: And all the Subjects of the moſt Chriſtian King ſhall enjoy in all things the ſame Liberty and Immunity, they in like manner ſhewing their Paſs-port (or Sea-Brief) made according to the Form preſcribed at the latter end of this Treaty.

VI.

But if any Ship or Veſſel belonging to the *Engliſh*, or other Subjects of His Majeſty of *Great Britain*, ſhall be met by any Man of War making into any Port in Enmity with the Moſt Chriſtian King; or on the

other ſide, if any Ship belonging to the Moſt Chriſtian King, or others Subjects of the ſaid Moſt Chriſtian King, ſhall be met in her way making into any Port under the Obedience of the Enemies of His ſaid Majeſty of *Great Britain*, ſuch Ship ſhall ſhew not onely a Paſs-port (or Sea-Brief) according to the Form hereunder preſcribed, wherewith ſhe is to be furniſhed, but alſo her Cocquets expreſſing the Contents of the Goods on Board, given in the uſual Form by the Officers of the Cuſtoms in the Port from whence ſhe came, whereby it may be known whether ſhe is laden with any Merchandizes prohibited by the Third Article of this Treaty.

VII.

But if by the ſhewing the aboveſaid Cocquets expreſſing the Contents of the Goods on Board, given in the uſual Form by the Officers of the Cuſtoms in the Port from whence ſhe came (concerning the ſhewing whereof it is above agreed) either Party ſhall diſcover any kind of Merchandizes which in the Third Article of this Treaty are declared to be *Contraband*, or prohibited,

ed, consigned to any Port under the Obedience of their Enemies, it shall not be Lawful to open the Hatches of such Ship in which the same shall happen to be found, whether she belongs to the Subjects of His Majesty of *Great Britain*, or of the Most Christian King; nor to unlock or break open the Chests, Mails, Packs, or Casks in the same; nor to convey away any the least part of the Merchandizes, before the whole be first Landed in the presence of the Officers of the Admiralty, and Inventaried; neither shall it be any ways Lawful to Sell, Exchange, or otherwise to Alienate the same, until such prohibited Goods are Rightly and Lawfully proceeded against; and that the Judges of the Admiralty have by their respective Sentences confiscated the same: Provided always, that as well the Ship it self, as the rest of the Commodities found in the same, which by this Treaty are to be reputed Free, shall not upon pretence of their being Infected by such prohibited Goods, be detained, much less confiscated for Lawful Prize; but if not the whole, but a part onely of the Lading consists of *Contraband* or prohibited Commo-

dities, and that the Maſter of the Ship ſhall be willing and ready to deliver them to the Captor who ſeized the ſame; in that Caſe the Captor ſhall not compel the Ship to go out of her Courſe to any Port he thinks fit, but ſhall forthwith diſmiſs her, and upon no accompt hinder her from freely proſecuting her deſigned Voyage.

VIII.

It is further agreed, that whatſoever ſhall be found laden by the Subjects of His Majeſty of *Great Britain*, upon any Ship whatſoever belonging to the Enemies of the Moſt Chriſtian King, although the ſame be not of the quality of Contraband Goods, may be confiſcated: But on the contrary, all that which ſhall be found in the Ships belonging to the Subjects of His Majeſty of *Great Britain*, ſhall be accounted Clear and Free, although the whole Lading or any part thereof by Juſt Title of Propriety ſhall belong to the Enemies of the Moſt Chriſtian King; except always Contraband Goods; which being Intercepted, all things ſhall be done according to the Meaning and Direction of the precedent Articles; and by the ſame Reaſon, whatſoever

whatsoever shall be found Laden by the Subjects of the Most Christian King in any Ship whatsoever belonging to the Enemies of His Majesty of *Great Britain*, although the same be not of the quality of Contraband Goods, may be Confiscated; but on the other side, all that which shall be found in the Ships belonging to the Subjects of the Most Christian King, shall be accounted Clear and Free, although the whole Lading or any part thereof by Just Title of Propriety shall belong to the Enemies of His Majesty of *Great Britain*; except always Contraband Goods, which being Intercepted, all things shall be done according to the Meaning and Direction of the precedent Articles: And least any Damage should by Surprize be done to the one Party, who is in Peace, when the other Party shall happen to be engaged in War, it is provided and agreed, that a Ship belonging to the Enemies of the one Party, and Laden with Goods of the Subjects of the other Party, shall not Infect or render the said Goods liable to Confiscation, in case they were Laden before the expiration of the Terms and Times hereafter

after mentioned, after the Declaration or Publication of any ſuch War; (*viz.*) If the Goods were Laden in any Port or place between the Places or Limits called the *Soundings* and the *Naz* in *Norway*, within the ſpace of Six Weeks after ſuch Declaration; of Two Months between the ſaid place the *Soundings* and the City of *Tangier*; and of Ten Weeks in the *Mediterranean* Sea; or within the ſpace of Eight Moneths, in any other Countrey or place of the World; So that it ſhall not be Lawful to Confiſcate the Goods of the Subjects of His Majeſty of *Great Britain*, taken or ſeized in any Ship or Veſſel whatſoever of any Enemy of the Moſt Chriſtian King upon that Pretence, but the ſame ſhall be without delay reſtored to the Proprietors, unleſs they were Laden after the expiration of the ſaid Terms of Time reſpectively; but ſo that it may not be Lawful for them afterwards to carry to Enemies Ports the ſaid Merchandizes which are called *Contraband*; and for the Reaſon aforeſaid ſhall not be liable to Confiſcation; neither on the other ſide ſhall it be Lawful to Confiſcate the Goods of the Subjects of

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the Moſt Chriſtian King, taken or ſeized in any Ship or Veſſel whatſoever of an Enemy of His Majeſty of *Great Britain* upon that Pretence, but the ſame ſhall be forthwith reſtored to the Proprietors thereof, unleſs they were Laden after the expiration of the ſaid Terms of Time reſpectively; but ſo that it may not be Lawful for them afterwards to carry to Enemies Ports the ſaid Merchandizes which are called *Contraband*, and for the Reaſon aforeſaid ſhall not be liable to Confiſcation.

IX.

And the more to aſſure the Subjects of His Majeſty of *Great Britain*, and of the Moſt Chriſtian King, that no Injury ſhall be offered to them by the Ships of War, or private Men of War of either Side, all the Captains of the Ships as well of His Majeſty of *Great Britain*, as of the Moſt Chriſtian King, and all their Subjects who ſhall ſet out private Men of War; And likewiſe their Priviledged Companies ſhall be enjoyned not to do any Injury or Damage whatſoever to the other; which if they do, they ſhall be puniſhed; and moreover be

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liable to ſatisfie all Coſts and Damages by Reſtitution and Reparation, upon Pain and Obligation of Perſon and Goods.

X.

For this Cauſe all the Commanders of private men of War ſhall from henceforth be obliged before they receive their Commiſſions, to enter before a Competent Judge good and ſufficient Security, by able and reſponſible men, who have no Part or Intereſt in ſuch Ship, in the Sum of Fifteen hundred Pounds Sterling, or Sixteen thouſand five hundred *Livres*, and when they have above One hundred and fifty Men, then in the Sum of Three thouſand Pounds Sterling, or Three and thirty thouſand *Livres*, that they will give full Satisfaction for any Damages or Injuries whatſoever, which they or their Officers, or others in their Service ſhall commit in their Courſes at Sea, contrary to this preſent Treaty, or any other whatſoever, between His Majeſty of *Great Britain*, and the ſaid Moſt Chriſtian King, and upon the pain of Revocation and Annulling their ſaid Commiſſions; in which it ſhall be always inſerted, that they have given

given ſuch Security as aboveſaid; and likewiſe it is agreed, that the Ship it ſelf ſhall be alſo liable to make Satisfaction for Injuries and Damages done by her.

XI.

His Majeſty of *Great Britain*, and the ſaid Moſt Chriſtian King, being deſirous that the Subjects of each other may be mutually Treated in all Countries under their Obedience reſpectively, with the like kindneſs as their own Subjects, will give all neceſſary and effectual Orders, that Judgements upon Ships and Merchandize taken at Sea, be given according to the Rule of Juſtice and Equity, by Judges beyond all Suſpicion, and not any ways concerned in the Cauſe under Debate. And His Majeſty of *Great Britain*, and the Moſt Chriſtian King will likewiſe give ſtrict Orders that all Sentences already given, and which ſhall be hereafter given, be according to the Tenor thereof duly put in Execution, and obtain their Effect.

XII.

And whenſoever the Ambaſſadors, or other Publick Miniſters of the King of *Great Britain*,

tain, residing in the Court of the Most Christian King shall complain of the Unjustness of Sentences which have been given concerning Ships or Merchandize taken at Sea, and belonging to the Subjects of the King of *Great Britain*, then the said Most Christian King on Demand of the said Ambassadors, or Ministers of the King of *Great Britain*, shall cause the said Sentences to be Reviewed and Examined in his Privy Council, and shall Confirm or Revoke the Sentences wheresoever given: And likewise the said Most Christian King shall take care that Right be done to the Party complaining within the space of Four Moneths to be accounted from the day of making such Demand. In like manner if the Ambassadors, or other Publick Ministers of the Most Christian King residing in the Court of the King of *Great Britain* shall complain of the Unjustness of Sentences which have been given concerning Ships or Merchandize taken at Sea, belonging to Subjects of the said Most Christian King, the said King of *Great Britain* shall forthwith Commissionate under his Great Seal Nine of his

Privy

Privy Council to Adjudge ſuch Matters, and to Confirm or Revoke the Sentences whereſoever given; and the ſaid Commiſſioners ſhall meet within the ſpace of One Moneth from the day of delivering the Complaint: And likewiſe the King of *Great Britain*, ſhall take care that Right be done the Party complaining within the ſpace of Three Moneths to be computed from the Firſt day of the Meeting of the ſaid Commiſſioners.

XIII.

A Suit being Commenced between the Takers of Prizes on the one Part, and the Claimers thereof on the other, and a Sentence or Decree being given for the Party Reclaiming, the ſaid Sentence or Decree (upon Security given) ſhall be put in Execution, notwithſtanding the Appeal made by him that took the Prize: which ſhall not be obſerved in caſe the Sentence ſhall be given againſt the Claimers.

XIV.

And whereas the Maſters of Merchant Ships, and likewiſe the Mariners and Paſſengers do ſometimes ſuffer many Cruelties

and Barbarous Uſages, when they are brought under the power of Ships which take Prizes in time of War, the Takers in an Inhumane manner tormenting them, thereby to Extort from them ſuch Confeſſions as they would have to be made, it is Agreed, that both His Majeſty of Great *Britain*, and the Moſt Chriſtian King, ſhall by the Severeſt Proclamations or Edicts, forbid all ſuch Hainous and Inhumane Offences, and as many as they ſhall by Lawful Proofs find Guilty of ſuch Acts, they ſhall take care that they be puniſhed with due and juſt Puniſhments, and which may be a Terror to others; and ſhall command that all the Captains and Officers of Ships who ſhall be proved to have Committed ſuch Hainous Practiſes, either themſelves, or by Inſtigating others to Act the ſame, or by Conniving while they were done, ſhall (beſides other Puniſhments to be Inflicted proportionably to their Offences) be forthwith deprived of their Offices reſpectively; and every Ship brought up as Prize, whoſe Mariners or Paſſengers ſhall have ſuffered any Torture, ſhall forthwith be Diſmiſſed

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and Freed with all her Lading, from all further Examination and proceeding againſt her, as well Judicial as otherwiſe.

XV.

It is alſo Agreed, that the like Severity of Puniſhments ſhall be Inflicted upon thoſe who ſhall take Commiſſions from Enemies to Seize the Ships of either Ally or Party.

XVI.

Laſtly, It is Agreed and Concluded, that this preſent Treaty and all and ſingular the things therein contained, ſhall be with all convenient ſpeed on both ſides Ratified and Confirmed, and that the Ratifications thereof ſhall be within Two Months from the Date hereof Rightly and Reciprocally Exchanged between both Parties.

Dated at St. *Germains in Laye*, the Twenty Fourth day of *February* in the Year of Our Lord 1677.

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The Form of the Paſsport (or Sea-Brief) to be asked of, and given by the Lord High Admiral, or by thoſe to whom the Exerciſe of Admiralty-Juriſdiction is ordinarily Committed, or by the Mayor, or other Chief Magiſtrate, or by the Commiſſioners, or other Principal Officers of the Cuſtoms in their reſpective Ports and Places within the Dominions of the King of *Great Britain*, to Ships and Veſſels, according to the Purport of the Fifth Article.

TO all unto whom theſe Preſents ſhall come, Greeting.
We Lord High Admiral of We Lords Commiſſioners Executing the Office of the Lord High Admiral of or We the Mayor, or other Magiſtrate of or We Commiſſioners, or Principal Officers of the Cuſtoms in the City or Port of
Do Teſtifie and make Known, That

That Master or Commander of the Ship called the hath appeared before Us, and hath Declared by Solemn Oath, That the said Ship or Vessel Containing about Tons, of which he is at present Master or Commander, doth belong to the Inhabitants of within the Dominions of the Most Serene and Mighty Prince, the King of England, Scotland, France, *and* Ireland, *Defender of the Faith, &c. So help him God. And in regard it would be most acceptable to Us, that the said Master or Commander be Assisted in his just and lawful Affairs, We do Request you, and every of you, whersoever the said Master or Commander shall Arrive with his Ship, and the Goods Laden on Board and Carried in her, that you would please to Receive*

ceive him Courteouſly, and uſe him Kindly, and Admit him upon Paying the lawful and uſual Cuſtoms and other Duties, to Enter into, Remain in, and Paſs from your Ports, Rivers, and Dominions, and there to Enjoy all kind of Right of Navigation, Traffick, and Commerce, in all Places where he ſhall think fit; Which We ſhall moſt willingly and readily acknowledge upon all Occaſions: In Teſtimony and Confirmation whereof, We have with Our Hand Signed theſe Preſents, and cauſed them to be Sealed with our Seal: Dated at the day of in the Year of Our Lord

And the like Form of Paſsport (*mutatis mutandis*) ſhall be Uſed by the Subjects of the Moſt Chriſtian King.

FINIS.